

Sandoval County Board of County Commissioners

Agenda Item Summary

AGENDA ITEM # 8-21-14.8A

1. REQUESTED MOTION

ACTION REQUESTED:

Adopt Election Proclamation and General Election Resolution No. 8-21-14.8A Calling for General Obligation Bond Election (§4-49-8 NMSA 1978) on November 4, 2014

WHY ACTION IS NECESSARY (Summary):

County staff has been working diligently with Bond Counsel and Financial Investment Advisor on putting to voters four (4) questions for issuance of general obligation bonds on the November 2014 General Election. The questions are as follows: (1) \$7M to design, construct, equip, furnish, and otherwise improve a consolidated public safety facility; (2) \$2M to acquire and install emergency communication equipment; (3) \$8M to design, expand, equip, furnish, and otherwise improve the judicial complex; and (4) \$3.25M for library books and resources, including equipment, upgrades and improvements to libraries in the County. Voters will decide whether or not the County will issue general obligation bonds for the purposes specified above.

2. REQUESTOR

COMMISSIONER SPONSORED: ☐ YES ☒ NO

DISTRICT: ☐ DISTRICT 1 ☐ DISTRICT 4
☐ DISTRICT 2 ☐ DISTRICT 5
☐ DISTRICT 3

DIRECTOR / ELECTED:

DIVISION:

ELECTED OFFICE:

ATTACHMENTS: ☒ YES ☐ NO

3. MEETING DATE

August 21, 2014

4. AGENDA (To be completed by County Manager)

- ☐ PROCLAMATION
- ☐ PRESENTATION
- ☐ CONSENT
- ☒ REGULAR
- ☐ APPEAL

5. RECOMMENDATIONS

Recommends Board of County Commission approval.

6. FISCAL IMPACT

None

7. RECOMMENDED APPROVAL (Initials & Date)

Department Director/Elected Official	Human Resources	Purchasing	Attorney As to Form PFT 8/14/14	Finance Budget	County Manager PPR 8/14/14	Other
_____	_____	_____	_____	_____	_____	_____

8. COMMISSION ACTION

☐ Approved ☐ Denied ☐ Deferred ☐ Other

SANDOVAL COUNTY, NEW MEXICO
ELECTION PROCLAMATION
AND
GENERAL ELECTION
RESOLUTION NO. 8-21-14.8A

WHEREAS, the Board of County Commissioners (the "Board") of Sandoval County, New Mexico (the "County"), has determined upon its own initiative to submit to a general election the questions of the issuance of its general obligation bonds in the maximum amount and for the purposes hereinafter specified without the prior filing of a petition by qualified electors; and

WHEREAS, it is the opinion of the Board that it is necessary and in the best interests of the residents of the County that there be submitted to a vote of the registered qualified electors of the County, the questions of whether the County should issue its general obligation bonds for the purposes hereinafter specified; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANDOVAL COUNTY, NEW MEXICO AS FOLLOWS:

Section 1. The Board, on its own initiative, does hereby call for the following questions to be on the ballot and submitted to the registered qualified electors of Sandoval County, New Mexico, at a general election to be held on Tuesday, November 4, 2014 (the "Election Date"):

"Shall Sandoval County be authorized to issue \$7,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of designing, constructing, equipping, furnishing, and otherwise improving a consolidated public safety facility?"

"Shall Sandoval County be authorized to issue \$2,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of acquiring and installing emergency communication equipment?"

"Shall Sandoval County be authorized to issue \$8,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of designing, expanding, equipping, furnishing, and otherwise improving the judicial complex?"

"Shall Sandoval County be authorized to issue \$3,250,000 of general obligation bonds, to be paid from property taxes, for the purpose of purchasing library books and resources, including equipment, upgrades, and improvements for libraries?"

Section 2. Pursuant to Section 4-49-8, NMSA 1978 the Notice of Election shall be published in full, in substantially the following form with only such changes as

are approved by the County Manager and the County Clerk and as provided by law, in English and Spanish once a week for at least three (3) consecutive weeks.

[Form of Notice]

NOTICE OF SANDOVAL COUNTY GENERAL ELECTION TO BE HELD IN
CONJUNCTION WITH THE GENERAL ELECTION ON
NOVEMBER 4, 2014

NOTICE IS HEREBY GIVEN that at a general election (the "Election") to be held in Sandoval County, New Mexico (the "County") on Tuesday, the 4th day of November, 2014, there will be presented for vote to the qualified registered electors of the County the following questions:

"Shall Sandoval County be authorized to issue \$7,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of designing, constructing, equipping, furnishing, and otherwise improving a consolidated public safety facility?"

"Shall Sandoval County be authorized to issue \$2,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of acquiring and installing emergency communication equipment?"

"Shall Sandoval County be authorized to issue \$8,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of designing, expanding, equipping, furnishing, and otherwise improving the judicial complex?"

"Shall Sandoval County be authorized to issue \$3,250,000 of general obligation bonds, to be paid from property taxes, for the purpose of purchasing library books and resources, including equipment, upgrades, and improvements for libraries?"

The general obligation bonds shall have a net effective interest rate of not more than ten percent (10%) a year, unless the State Board of Finance at any time prior to delivery of the bonds approves a higher net effective interest rate in writing, and the general obligation bonds shall mature not more than twenty (20) years from their date.

The polls, except the absentee precinct, for the Election will be open between the hours of 7:00 a.m. and 7:00 p.m. on November 4, 2014. The polls shall be located within the County as follows:

[To be inserted by the County Clerk prior to publication.]

IN TESTIMONY WHEREOF, the Board of County Commissioners of Sandoval County, New Mexico, being the governing body of the County, has caused this notice to be published as required by law and dated this 21st day of August, 2014.

[End Form of Notice]

Section 3. The questions listed in Section 1 shall be submitted to all qualified registered County electors on a single ballot so that a tally can be maintained of the votes cast for and against the questions. Automatic voting machines shall be used.

Section 4. The ballot shall be printed in English and Spanish with plain clear type in black ink on white material of such size as will fit the machines. The ballot questions shall be in substantially the following form:

GENERAL OBLIGATION BOND QUESTIONS

- | | |
|--|---|
| <input type="checkbox"/> For Public Safety Facility Bonds | "Shall Sandoval County be authorized to issue \$7,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of designing, constructing, equipping, furnishing, and otherwise improving a consolidated public safety facility?" |
| <input type="checkbox"/> Against Public Safety Facility Bonds | |
| <input type="checkbox"/> For Emergency Communication Equipment Bonds | "Shall Sandoval County be authorized to issue \$2,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of acquiring and installing emergency communication equipment?" |
| <input type="checkbox"/> Against Emergency Communication Equipment Bonds | |
| <input type="checkbox"/> For Judicial Complex Bonds | "Shall Sandoval County be authorized to issue \$8,000,000 of general obligation bonds, to be paid from property taxes, for the purpose of designing, expanding, equipping, furnishing, and otherwise improving the judicial complex?" |
| <input type="checkbox"/> Against Judicial Complex Bonds | |
| <input type="checkbox"/> For Library Bonds | "Shall Sandoval County be authorized to issue \$3,250,000 of general obligation bonds, to be paid from property taxes, for the purpose of purchasing library books |
| <input type="checkbox"/> Against Library Bonds | |

and resources, including equipment, upgrades, and improvements for libraries?”

Section 5. The Chairman of the Board, the County Manager, and County Clerk of Sandoval County, New Mexico, be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including the giving of notice pursuant to Section 6-15-1, NMSA 1978, to the Local Government Division of the Department of Finance and Administration.

Section 6. The County Manager and the County Clerk are authorized and directed to take any and all steps necessary for the proper conduct of the election, including giving timely notice of the election by proclamation by publication and posting thereof and compliance with the Federal Voting Rights Act.

Section 7. All actions heretofore taken by the Board, the County Manager and the County Clerk not inconsistent with the provisions of this Resolution be, and the same hereby are, ratified, approved and confirmed.

PASSED, ADOPTED AND APPROVED this 21st day of August, 2014.

BOARD OF COUNTY COMMISSIONERS
SANDOVAL COUNTY, NEW MEXICO

By: _____
Darryl Madalena, Chairman

By: _____
Orlando Lucero, Vice Chairman

By: _____
Nora Scherzinger

By: _____
Don G. Chapman

By: _____
Glenn Walters

ATTEST:

(SEAL)

By: _____
Eileen Garbagni, County Clerk

**SANDOVAL COUNTY, NEW MEXICO
2014 GENERAL OBLIGATION BOND
ELECTION CALENDAR
ELECTION DATE: TUESDAY, November 4, 2014**

JULY 2014						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

AUGUST 2014						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

SEPTEMBER 2014						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER 2014						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER 2014						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24	25	26	27	28	29

The Election will be governed generally by Section 6-15-1, NMSA 1978, Sections 6-15-23 through 6-15-28, NMSA 1978, Sections 4-49-1 through 4-49-21, NMSA 1978, and, where needed, by the Election Code (all of Chapter 1 of the New Mexico Statutes Annotated 1978). Required publications and postings should be in English *and* Spanish in order to comply with the Voting Rights Act of 1965, as amended, and the regulations promulgated in 28 CFR Section 55. **Every election publication and posting should also be posted on the County's website pursuant to § 1-1-14 and 1 § -1-15 NMSA 1978.**

All publications should be in the *Albuquerque Journal*, an official legal newspaper for Sandoval County, telephone: (505) 823-3379, E-mail: legals@abqpubco.com. See § 14-11-1, et seq. for law related to legal newspapers. It is published daily, and deadlines for publication are Friday (9:00 a.m.) for Monday; Friday (11:00 a.m.) for Tuesday; Monday (9:00 a.m.) for Wednesday; Tuesday (9:00 a.m.) for Thursday; Wednesday (9:00 a.m.) for Friday; Thursday (9:00 a.m.) for Saturday; and Thursday (11:00 a.m.) for Sunday. *For ads running the week before a holiday, submit 3 days prior to deadline.

DATE	ACTION	RESPONSIBLE PARTIES
On or before Thursday, July 31, 2014	Deadline to distribute drafts of the Election Calendar and General Obligation Bond Election Resolution and Proclamation for inclusion in County Commission Meeting Packets	Modrall Sperling County
On or before Friday, August 1, 2014	Notice of proposed General Obligation Bond Election given to Local Government Division of the Department of Finance and Administration (§ 6-15-1 NMSA 1978)	County Manager Modrall Sperling Financial Advisor
Thursday, August 21, 2014	County Commission adopts Election Resolution and Proclamation calling for special general obligation bond election (§4-49-8 NMSA 1978)	CC County Clerk Financial Advisor
Monday, August 25, 2014	Arrange for Election Resolution and Proclamation to be translated into Spanish	County Clerk Modrall Sperling
Thursday, September 4, 2014	Submit Election Proclamation for Publication in English and Spanish on Tuesday, September 9, 2014 and Tuesday, September 16, 2014 (§1-24-2(B) NMSA 1978)	Modrall Sperling
On or before Friday, September 5, 2014	Election Resolution and Proclamation filed with County Clerk (§1-24-2 NMSA 1978)	CC County Manager
Tuesday, September 9, 2014	Publish Election Proclamation in the <i>Albuquerque Journal</i> and Post Election Proclamation on County Website	County Clerk Modrall Sperling

DATE	ACTION	RESPONSIBLE PARTIES
Tuesday, September 9, 2014	County Clerk prepares ballot containing the questions, certifies same to ballot printer and transmits copy of certification to Secretary of State (§1-10-4 NMSA 1978 – Not less than 53 days before election)	County Clerk
Tuesday, September 16, 2014	Second Publication of Election Proclamation in the <i>Albuquerque Journal</i>	County Clerk Modrall Sperling
No exact time specified	Application form for absentee ballots may be delivered to requesting voters by County Clerk (§1-6-4 and 1-6-5 NMSA 1978)	County Clerk
Tuesday, September 23, 2014	County Clerk may begin preparation, inspection and sealing of voting machines 30 days prior to date of election (§ 1-11-5 NMSA 1978)	County Clerk
On or before Thursday, September 25, 2014	Ballots shall be printed and in the hands of the County Clerk at least 40 days before the election (§1-10-5 NMSA 1978)	County Clerk
Wednesday, October 1, 2014	Submit Notice of Election for publication in English and Spanish in the <i>Albuquerque Journal</i> at least once per week for 3 consecutive weeks on Sunday, October 5, October 12 and October 19, 2014 (§4-49-8 NMSA 1978) <u>and</u> Post Notice of Election on County Website	Modrall Sperling
Beginning Sunday, October 5, 2014	First publication of Notice of Election once a week for 3 consecutive weeks, in English and Spanish in the <i>Albuquerque Journal</i> (§ 4-49-8 NMSA 1978)	Newspaper

DATE	ACTION	RESPONSIBLE PARTIES
Tuesday, October 7, 2014	Absentee ballots shall be sent to applicants beginning 28 days prior to the election by County Clerk. Within 24 hours of receipt of application, Clerk shall mail either ballot (if within 22 days of election) or notice of rejection to applicant (§ 1-6-6(B) NMSA 1978)	County Clerk
Beginning on Tuesday, October 7, 2014 until Friday, October 31, 2014	Absentee Ballots may be marked in person at County Clerk's Office during normal business hours on Monday through Friday (§ 1-6-5(G) NMSA 1978)	County Clerk
Tuesday, October 7, 2014	Deadline for County Clerk's receipt of certificates of voter registration until 5:00 p.m. (certificates must be received by the 28th day immediately preceding any election at which registration books are to be delivered to precinct board) (§ 1-4-8 NMSA 1978)	County Clerk
Tuesday, October 7, 2014	Certificates of registration shall be accepted if hand-delivered by 5:00 p.m. on the Friday immediately following close of registration. The Clerk shall accept any mailed certificate of registration postmarked not less than 28 days before election day (§ 1-4-8 NMSA 1978 as amended)	County Clerk
Sunday, October 12, 2014	Second publication of Notice of Election once a week for 3 consecutive weeks, in English and Spanish in the <i>Albuquerque Journal</i> (§ 4-49-8 NMSA 1978)	Newspaper
Sunday, October 19, 2014	Third publication of Notice of Election once a week for 3 consecutive weeks, in English and Spanish in the <i>Albuquerque Journal</i> (§ 4-49-8 NMSA 1978)	Newspaper

DATE	ACTION	RESPONSIBLE PARTIES
Tuesday, October 21, 2014	Submit Election Proclamation (including addresses of polling places and list of precinct board members) in English and Spanish in the <i>Albuquerque Journal</i> , 7-12 days before election (§1-11-1 through -3 NMSA 1978), for at least 7 days prior to the election (§1-1-15 NMSA 1978) <u>and</u> Post Election Proclamation on County Website	County Clerk
Between on Thursday, October 23, 2014 until Tuesday, October 28, 2014	Post Election Proclamation 7-12 days before election (including addresses of polling places and list of precinct board members) in English and Spanish in a public building in the County and in at least one conspicuous place in each precinct in the County (§1-11-1 through -3, NMSA 1978), for at least 7 days prior to the election (§1-1-15 NMSA 1978) <u>and</u> Post on County Website	County Clerk
Friday, October 24, 2014	Publication of Election Proclamation in English and Spanish in the <i>Albuquerque Journal</i>	Newspaper
Friday, October 31, 2014	Absentee ballots must be sent to applicants not later than Friday before election (§ 1-6-5(H) NMSA 1978)	County Clerk
Friday, October 31 2014 5:00 p.m.	Deadline for marking Absentee Ballots in person at County Clerk's Office (§ 1-6-5(G) NMSA 1978)	County Clerk
Friday, October 31, 2014	Deliver to absent voter precinct a complete list of all absentee ballot applicants and early voters up to 5:00 p.m. on Friday before election. (§ 1-6-6(D) NMSA 1978)	County Clerk

DATE	ACTION	RESPONSIBLE PARTIES
Saturday, November 1, 2014	Voting machines provided for election and delivered to polling places (§ 1-11-11 NMSA 1978, as amended)	County Clerk
At 5:00 p.m. Monday, November 3, 2014	At 5:00 p.m., record number of unused absentee ballots and publicly destroy all unused absentee ballots. Execute a Certificate of Destruction and mail copy to Secretary of State (§ 1-6-10(C) NMSA 1978)	County Clerk
Monday, November 3, 2014 by 6:00 a.m.	Voting supplies and keys to voting machines delivered to presiding judge at precinct polling places at least one hour before polls open (§ 1-11-11 NMSA 1978)	County Clerk
Tuesday, November 4, 2014	ELECTION HELD 7:00 A.M. TO 7:00 P.M. Absentee ballots accepted until 7:00 p.m. (§ 1-6-10(B) NMSA 1978)	County Clerk
Friday, November 7, 2014 through Friday, November 14, 2014	County Canvassing Board meeting within 3 days after election to canvass returns and issue Certificate of Canvass (§ 1-13-3 NMSA 1978)	County Clerk CC Canvassing Board

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The information for the estimates for the construction of an addition of approximately 32,000 sq. ft. for District Court and a new Public Safety Facility approximately 35,000 sq. ft. in size were taken from the RSMeans Building Construction Cost Data 2014 edition catalog and from numbers provided by the Administrative Offices of the Courts from a Magistrate facility that was built recently.

These are estimates and may change during the programming phase of the project depending on what is needed for IT, FF&E, security, and other hidden cost. We will not have concrete numbers until we actually go out to bid for architectural services and programming can be completed so project can be put out to bid.

Construction of the above facilities will be built with the funding that is obtained. Adjustments to what goes into the facilities will be made to assure we have a working facility when project is complete.

PROPOSED BUDGET NEW BUILDING FOR PUBLIC SAFETY 2014

FORM 4: PROPOSED PROJECT COSTS

I. PROJECT BUDGET

EXPENDITURES	ORIGINAL SUBMISSION		BUDGET REVISION	T,T,C, DISTRIBUTION
	NEW CONSTRUCTION	ALTERATIONS		
A. BUILDING COSTS				
1. General	\$2,623,441			50.00%
2. Mechanical / Plumbing	\$787,032			15.00%
3. Electrical	\$524,688			10.00%
4. Special Systems (voice, data, other)	\$314,813			6.00%
5. Code Compliance (haz-mat, abatement, ADA, etc.)	\$157,406			3.00%
BUILDING COSTS SUBTOTAL	\$4,407,380	\$0	\$0	
B. Built-in Equipment	\$367,282			7.00%
C. Site Development				
1. Utilities, Infrastructure	\$262,344			5.00%
2. Landscape / Site Improvements	\$209,875			4.00%
3. Demolition				
TOTAL CONSTRUCTION COST (T.C.C.)	\$5,246,881	\$0	\$0	100.00%
D. Construction Contingency (not more than 5% New Const., 10% Ren. of T.C.C.)	\$488,400			
E. Professional Fees				
1. Architectural / Engineering	\$232,873			
2. Constr. Administration	\$308,000			
3. Admin. / Surveys / Testing	\$293,200			
F. Movable equipment	\$162,241			
G. Administrative Cost	\$190,245			
H. Art in Public Places (1% of State Appropriation)	\$0			
TOTAL PROJECT BUDGET	\$6,921,841	\$0	\$0	

\$6,921,841

**PROPOSED BUDGET
JUDICAL COMPLEX ADDITION
2014**

FORM 4: PROPOSED PROJECT COSTS

I. PROJECT BUDGET

EXPENDITURES	ORIGINAL SUBMISSION		BUDGET REVISION	T,T,C, DISTRIBUTION
	NEW CONSTRUCTION	ALTERATIONS		
A. BUILDING COSTS				
1. General	\$2,925,512			47.00%
2. Mechanical / Plumbing	\$933,674			15.00%
3. Electrical	\$622,449			10.00%
4. Special Systems (voice, data, other)	\$373,470			6.00%
5. Code Compliance (haz-mat, abatement, ADA, etc.)	\$186,735			3.00%
BUILDING COSTS SUBTOTAL	\$5,041,840	\$0	\$0	
B. Built-in Equipment	\$435,715			7.00%
C. Site Development				
1. Utilities, Infrastructure	\$311,225			5.00%
2. Landscape / Site Improvements	\$248,980			4.00%
3. Demolition	\$186,735			3.00%
TOTAL CONSTRUCTION COST (T.C.C.)	\$6,224,494	\$0	\$0	100.00%
D. Construction Contingency (not more than 5% New Const., 10% Ren. of T.C.C.)	\$579,400			
E. Professional Fees				
1. Architectural / Engineering	\$232,873			
2. Constr. Administration	\$308,000			
3. Admin. / Surveys / Testing	\$215,119			
F. Movable equipment	\$299,000			
G. Administrative Cost	\$96,902			
H. Art in Public Places (1% of State Appropriation)	\$0			
TOTAL PROJECT BUDGET	\$7,955,788	\$0	\$0	

\$7,955,788